IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 8272 of 2004

Between:

V.E. Dass, s/o Yellaiah,
R/o H.No. 8-3-228/663, Rahmathnagar, Yusufguda, Hyderabad - 500 045.

..... PETITIONER

AND

1 The Deputy Chief Traffic Manager, APSRTC Hyderabad City Region, Hyderabad.
2 The Depot Manager, APSRTC, Kukatpally Bus Depot, Kukatpally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing the proceedings No. 02/95(41)/96-KP dt.23-9-1996 as illegal, arbitrary and unjust and consequently set aside the proceedings No. 02/95(41)/96-KP dt.23-9-1996 issued by the 2nd respondent

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court made the following :

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ORDER:

Heard both sides and at their request the main Writ Petition is taken up for disposal.

The petitioner herein who is the employee of the Corporation files this Writ Petition seeking Mandamus to assail the impugned proceedings dated 23rd September 1996 inter alia on the ground that the punishment of stoppage of increments virtually amounts to major one and which cannot be granted in the facts and circumstances of the case.

Admittedly, in this case, the petitioner filed an appeal and the same is pending before the first respondent herein.

In view of the same, it is not necessary to go into the merits of the case at this stage. However it would suffice in the interest of justice to take a point of the principles laid down by this Court in S.K. MASTAN VS. MANAGING DIRECTOR, APSRTC, wherein it was held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Accordingly, the Writ Petition is disposed of directing the first respondent to dispose of the appeal on merits within a period of two months from the date of receipt of a copy of this order after giving notice and sufficient opportunity to the petitioner and also taking note of the principles laid down by this court in the aforesaid decision.

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B. PRAKASH RAO, J

Dated: 10.12.2004

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To

1 The Deputy Chief Traffic Manager, APSRTC Hyderabad City Region, Hyderabad.
2 The Depot Manager, APSRTC, Kukatpally Bus Depot, Kukatpally, Hyderabad.

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